

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TIAJUANA COOPER,

Plaintiff,

DOCKET NO. 17-cv-3929

-against-

DIVERSIFIED ADJUSTMENT SERVICE, INC.

Defendant.
-----X

NOTICE OF REMOVAL OF ACTION

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. section 1441, et seq. Defendant DIVERSIFIED ADJUSTMENT SERVICE, INC. (hereinafter referred to as ("DASI"), hereby removes this civil action from the Civil Court of the City of New York, County of New York, to the United States District Court for the Southern District of New York.

I. PROCEEDINGS TO DATE

On or about April 6, 2017, Plaintiff, Tiajuana Cooper filed a summons and complaint dated April 4, 2017, in the civil action captioned TIAJUANA COOPER v DIVERSIFIED ADJUSTMENT SERVICE, INC. Index No. 006983/17, in the Civil Court of the City of New York, County of New York. Defendant was served with the summons

complaint on April 24, 2017. The complaint alleges a violation of the Fair Debt Collection Practices Act, and plaintiff seeks statutory and actual damages as well as attorney fees and other relief.

Copies of all pleadings and other papers plaintiff previously filed with the Civil Court of the City of New York, County of New York are annexed hereto as Exhibit "A" as required by 28 U.S.C. Section 1446.

II. GROUNDS FOR REMOVAL

The Court has original jurisdiction over this action because this action arises under a Law of the United States. See 28 U.S.C. Section 1331. This action arises under the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (See Exhibit "A") Accordingly, according to 28 U.S.C. Section 1331, this Court has original jurisdiction over this case.

III. VENUE

Plaintiff's action is pending in the Civil Court of the City of New York, County of New York, which is within this judicial district and division. 28 U.S.C. Section 112(c). The United States District Court for the Southern District of New York is the District Court and Division within which Diversified Adjustment Service, Inc. may remove this action, pursuant to 28

U.S.C. Section 1441(a) and within which defendant must file this Notice of Removal, pursuant to 28 U.S.C. Section 1446(a).

IV. TIMELINESS

This Notice of Removal is timely filed. Defendant has been served with a copy of the summons and complaint. Plaintiff has filed its Affidavit of Service. This notice of Removal complies with 28 U.S.C. Section 1446(b).

V. NOTICE

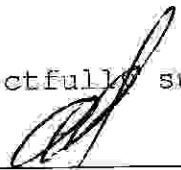
Pursuant to 28 U.S.C. Section 1446(b), Defendant, Diversified Adjustment Service, Inc. is simultaneously filing a copy of this Notice of Removal with the Civil Court, New York County. Plaintiff's counsel is also being served with a copy of this Notice of Removal.

VI. CONCLUSION

For the foregoing reasons, Diversified Adjustment Service, Inc. respectfully requests that this action, previously pending in the Civil Court of the City of New York, County of New York be removed to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Dated: New City, NY
May 24, 2017

Respectfully submitted,



ARTHUR SANDERS
BARRON & NEWBURGER, P.C.
Attorneys for Defendant
30 South Main Street
New City, NY 10956

EXHIBIT A



CT Corporation

**Service of Process
Transmittal**

04/24/2017

CT Log Number 531099972

TO: Peter Jirik
Diversified Adjustment Service, Incorporated
600 Coon Rapids Blvd NW
Minneapolis, MN 55433-5549

RE: Process Served in New York

FOR: DIVERSIFIED ADJUSTMENT SERVICE, INCORPORATED (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Tiajuana Cooper, Pltf. vs. DIVERSIFIED ADJUSTMENT SERVICE, INC., Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Complaint, Attachment(s)

COURT/AGENCY: New York County Civil Court, NY
Case # 006983

NATURE OF ACTION: Plaintiff files complaint against defendant for violation of FDCPA

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Certified Mail on 04/24/2017 postmarked: "Not Post Marked"

JURISDICTION SERVED: New York

APPEARANCE OR ANSWER DUE: Within 30 days after such service

ATTORNEY(S) / SENDER(S): Daniel Kohn
RC Law Group PLLC
285 Passaic Street
Hackensack, NJ 07601
201-282-6500

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 120399EX0122855788

SIGNED: C T Corporation System

ADDRESS: 111 8th Ave Fl 13
New York, NY 10011-5213

TELEPHONE: 212-590-9070

Page 1 of 1 / RS

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

Commerce Plaza
Kingston Avenue
NY 12231-0001

is Requested



State of New York - Department of State
Division of Corporations

Party Served:
DIVERSIFIED ADJUSTMENT SERVICE,
INCORPORATED

Plaintiff/Petitioner:
COOPER, TIAJUANA

C/O C T CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NY 10011

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 04/07/2017 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW.

This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,
Division of Corporations

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

Tiajuana Cooper

Plaintiff,

-against-

Diversified Adjustment Service, Inc.

Defendant.

Index No: _____

2017
006983

SUMMONS

Plaintiff's Residence Address:

500 W 42nd Street
Apt. 5A
New York, NY 10036

Defendant's Residence Address:


Diversified Adjustment Service, Inc.
C/O CT Corporation System
111 Eighth Avenue
New York, NY 10011

The basis of the venue designated is:
Plaintiff resides in New York County

To the above named defendant:

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of New York, at the office of the Clerk of said Court at 111 Centre Street, in the County of New York, City and State of New York, within the time provided by law as noted below and to file your answer to the annexed complaint with the Clerk, upon failure to answer, judgment will be taken against you for the sum of \$15,000.00 with interest thereon from the 4th day of April, 2017.

Dated: April 4, 2017


Daniel Kohn, Esq.
Attorneys for Plaintiff Tiajuana Cooper
RC Law Group, PLLC
285 Passaic Street
Hackensack, NJ 07601
Phone: (201) 282-6500
Fax: (201) 282-6501

FILED
APR 6 2017

**NEW YORK COUNTY
CIVIL COURT**

NOTE: The law provides that:

- (a) If this Summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY (20) days after such service; or
- (b) if this Summons is served by delivery to any other person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY (30) days after the proof of service is filed with the Clerk of this Court within which to appear and answer.



CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

Tiajuana Cooper

Plaintiff,

Index No.: _____

COMPLAINT

-v.-

Diversified Adjustment Service, Inc.

Defendant.

Plaintiff Tiajuana Cooper ("Plaintiff" or "Cooper") by and through her attorneys, RC Law Group, PLLC, as and for her Complaint against Defendant Diversified Adjustment Service, Inc. ("Defendant") respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of section 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of New York, residing at 500 W 42nd Street, Apt. 5A, New York, NY 10036.

3. Diversified Adjustment Service, Inc. is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address at 600 Coon Rapids Boulevard, Coon Rapids, MN 55433.

JURISDICTION AND VENUE

4. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as well as 15 U.S.C. § 1692 et. seq. and 28 U.S.C. § 2201. If applicable, the Court also has pendant jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).

5. Venue is proper in this judicial district pursuant under N.Y. CVP. Law 301(a), because the acts and transactions occurred here, Plaintiff resides here, and Defendants transact business here.

FACTUAL ALLEGATIONS

6. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully state herein with the same force and effect as if the same were set forth at length herein.

7. On information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").

8. This debt was incurred as a financial obligation that was primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692a(5).

9. On or around April 26, 2016, Defendant sent Plaintiff a collection letter for the amount of \$3,089.35 for the original creditor, Sprint.

10. After receiving the collection letter Plaintiff logged onto Defendant's website to pay the Alleged Debt.

11. Defendant imposed a collection fee of \$11.95 for Plaintiff to pay the Alleged Debt online.

12. Plaintiff was forced to agree to such a collection charge and the \$ 11.95 collection fee far exceeds any reasonable costs of collection for this account.

13. The addition of this collection fee by Defendant, which was not authorized by the agreement creating the debt or permitted by law, was an attempt to collect an amount not owed by Plaintiff and a violation of numerous and multiple provisions of the FDCPA

14. As a result of Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

15. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully state herein with the same force and effect as if the same were set forth at length herein.

16. Defendant's debt collection efforts attempted and/or directed towards Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(2), 1692e(5), 1692e(10), 1692f, and 1692f(1).

17. As a result of the Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Tiajuana Cooper demands judgment from Defendant Diversified Adjustment Service, Inc. as follows:

- a) For actual damages provided and pursuant to 15 U.S.C. § 1692k(a)(1);
- b) For statutory damages provided and pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c) For attorney fees and costs provided and pursuant to 15 U.S.C. § 1692k(a)(3);
- d) A declaration that the Defendant's practices violated the FDCPA; and
- e) For any such other and further relief, as well as further costs, expenses and disbursements of this action as this Court may deem just and proper.

Dated: April 4, 2017
Hackensack, New Jersey



RC Law Group, PLLC
By: Daniel Kohn, Esq.
285 Passaic Street
Hackensack, NJ 07601
Phone: 201.282.6500
Fax: 201.282.6501

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

Index No. _____

TIAJUANA COOPER

Plaintiff

-against-

DIVERSIFIED ADJUSTMENT SERVICE, INC.

Defendant

SUMMONS & COMPLAINT

Revaz Chachanashvili Law Group, PLLC

Attorneys for Plaintiff
Office Information:
285 Passaic Street
Hackensack, NJ 07601
Phone: (201) 282-6500

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: April 4, 2017

Signature: *Daniel Kohn*
Daniel Kohn

AFFIRMATION

Daniel Kohn, an attorney being admitted to practice before the Courts of this State, affirms under penalty of perjury:
I, Daniel Kohn, Esq., am attorney for Plaintiff Tiajuana Cooper

Dated: April 4, 2017

Daniel Kohn
Daniel Kohn

Op

201704180

